

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-14661-2020

Date of Decision: July 20, 2020

Abhishek @ Kalu

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Sukhdeep Singh, Advocate,
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.584 dated 11.06.2019, under Section 379-B read with Section 120-B IPC and Section 25 Arms Act, 1959, registered at Police Station, Chandni Bagh, District Panipat. The petitioner is in custody since his arrest on 15.06.2019.

The FIR was registered on the statement of Shashi Bhushan Yadav, wherein it was alleged that he was running a sweets shop when on 10.06.2019, three boys entered in his shop, who were having pistols in their hands. They fired in the air and one of them gave a blow of the butt on his nose and snatched away ₹ 32,000/- from the shop. On these allegations, the above FIR was registered for the offences punishable under Section 397-B IPC and Arms Act.

Learned counsel for the petitioner contends that the petitioner

along with his co-accused, namely Ravi @ Kaira son of Rajinder and Ravi son of Rajinder were already in custody in some other case. According to him, the case of the prosecution is founded comparatively on a weak evidence, i.e., confessional statement of the accused and, therefore, further custody of the petitioner may not be necessary. He submits that the charge has been framed by the trial Court on 13.11.2019 and trial will still consume considerable time to conclude. He prays that the petitioner be released on bail, during the pendency of the trial.

On the other hand, learned State counsel assisted by ASI Bijender Singh has opposed the prayer on the ground that the petitioner along with his co-accused was arrested in case FIR No.136 dated 14.06.2020, under Sections 379 and 411 IPC, Police Station, Israna, Panipat. According to him, the vehicle used in the crime was also found to be stolen one and, therefore, they do not deserve the concession of bail. It is pointed out that the offences punishable under Sections 394 and 397 IPC were also added in the present FIR, however, no recovery was effected from the petitioner in the present case. He, on instructions, further states that out of total sixteen prosecution witnesses, five have been examined so far, and because of the ongoing pandemic, the complainant could not be examined on 14.07.2020, therefore, the case was adjourned by trial Court for 09.09.2020.

Considering the above, custody of the petitioner and the fact that the trial is likely to consume considerable time in the wake of outbreak of global pandemic, namely, COVID-19 in the region as certain restrictions have been imposed by State Government and District Administration in order to curb its spread, this Court does not find any ground to decline the

prayer for bail. The petitioner, after his arrest on 15.06.2019, is presently confined in judicial custody, therefore, his further detention behind the bars may not be justified.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate, Panipat.

The petition is allowed.

July 20, 2020
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No